

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

|  |   |                                  |
|--|---|----------------------------------|
| <b>RICKEY DONNELL CUMMINGS,</b>              | § |                                  |
|  | § |                                  |
| <b>Petitioner,</b>                           | § |                                  |
|  | § |                                  |
| v.   | § | <b>CIVIL NO. W-18-CV-125-ADA</b> |
|  | § |                                  |
| <b>BOBBY LUMPKIN,<sup>1</sup> Director,</b>  | § | <b>* DEATH PENALTY CASE *</b>    |
| <b>Texas Department of Criminal Justice,</b> | § |                                  |
| <b>Correctional Institutions Division,</b>   | § |                                  |
|  | § |                                  |
| <b>Respondent.</b>                           | § |                                  |

**ORDER REOPENING CASE AND SETTING DEADLINES**

Before the Court is Petitioner Rickey Donnell Cummings’s Motion for Extension of Time to File an Amended Habeas Petition. (ECF No. 69). On January 16, 2020, this Court granted Petitioner’s request to stay and abate these proceedings to allow him to return to state court to present several new claims for exhaustion purposes. (ECF No. 57). Petitioner’s subsequent state habeas proceedings concluded on March 31, 2021. Pursuant to this Court’s previous Order, Petitioner’s deadline for filing an amended federal habeas petition is April 30, 2021. *Id.* Petitioner now requests an additional 60 days—up to and including Tuesday, June 29, 2021—to file his subsequent petition in the appropriate state court. Respondent does not oppose this request.

Accordingly, it is hereby **ORDERED** that:

1. The stay and abeyance previously granted by this Court (ECF No. 57) is **LIFTED** and this case is now **REOPENED** for administrative purposes.

---

<sup>1</sup> The previous named Respondent in this action was Lorie Davis. On August 10, 2020, Bobby Lumpkin succeeded Davis as Director of the Texas Department of Criminal Justice, Correctional Institutions Division. Under Rule 25(d) of the Federal Rules of Civil Procedure, Lumpkin is automatically substituted as a party.

2. Petitioner's Unopposed Motion for Extension of Time (ECF No. 69) is **GRANTED**.

3. Amended Petition Petitioner is directed to file an Amended Petition for Writ of Habeas Corpus in accordance with 28 U.S.C. § 2254 and Rule 2 of the Rules Governing § 2254 Cases on or before **Tuesday, June 29, 2021**. The amended petition and any supporting brief shall total no more than **160 pages** and shall include all grounds for federal habeas corpus relief—including any supporting facts or legal argument—Petitioner wishes this Court to consider in connection with his capital murder conviction and death sentence. The petition shall also set forth which claims are exhausted and whether an exception to the procedural default doctrine applies to any of the claims dismissed during Petitioner's subsequent state habeas proceedings. **No extension of the above page limit will be granted.**

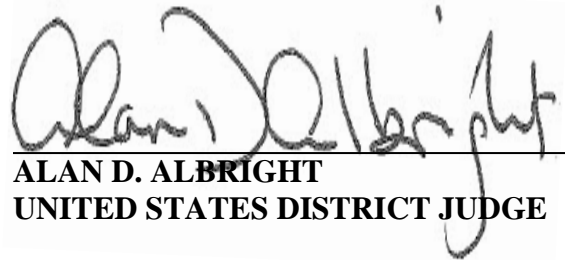
4. Respondent's Answer Respondent shall file an amended answer or other responsive pleading to Petitioner's amended petition on or before **90 days** after the filing of Petitioner's amended petition. Respondent's answer or other responsive pleading shall conform to the requirements of Rule 5 of the Rules Governing § 2254 Cases and shall total no more than **160 pages**. Respondent shall serve Petitioner's counsel of record with a copy of said answer or other responsive pleading in accordance with Rule 5(b) of the Federal Rules of Civil Procedure. **No extension of the above page limit will be granted.**

5. State Court Records Respondent shall electronically file a copy of all relevant state court records from Petitioner's most recent state court proceedings at the earliest practical time, but in no event later than the time that he files his answer, unless otherwise ordered by the Court.

6. Petitioner's Reply Petitioner may file a reply to Respondent's amended answer in accordance with Rule 5(e) of the Rules Governing § 2254 Cases provided it is filed with the Court not more than **60 days** after the filing of Respondent's amended answer. The reply and any supporting brief shall total no more than **80 pages**, shall be limited to the arguments raised in respondent's amended answer, and shall not include any new allegations of fact or new grounds for relief. **Again, no extension of the above page limit will be granted.**

It is so **ORDERED**.

**SIGNED** this the 20th day of April, 2021.



ALAN D. ALBRIGHT  
UNITED STATES DISTRICT JUDGE